



1D# 11906  
SG

## Comal County

OFFICE OF COUNTY ATTORNEY

Nathan B. Rheinlander

March 12, 1991

RQ-72

RECEIVED

Ms. Susan Garrison  
Acting Chairman, Opinion Committee  
Office of the Attorney General  
P.O. Box 12548  
Austin, TX 78711

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Opinion Committee


Dear Susan:

Some days ago I was asked by our County Judge to look into the question of the removal of individuals from certain boards and commissions whose members are appointed by Commissioners' Court. I have enclosed a copy of that request together with my response, which cites Opinion No. H-137 (1973) for the conclusion that those appointees serve at the pleasure of the body by whom they are appointed.

As noted in the accompanying memo to Judge Casteel, at the last moment I uncovered a reference to Opinion No. JM-1064 (1989), copy also enclosed, which cites Opinion No. M-409 (1969) to the effect that appointees to a hospital district board of managers, at least, hold an "office" from which they may be removed only by the district judge after jury trial, as set out in Art. V, Sec. 24 of the Constitution.

Having today received a copy of Opinion No. 1064, there appears to be a direct conflict in the various opinions concerning what constitutes an "office", triggering the more onerous constitutional procedure. It would be appreciated if you could resolve this conflict, particularly speaking to the various districts cited in Judge Casteel's original request.

Sincerely,

  
Nathan B. Rheinlander

cc: Hon. Carter Casteel  
County Judge

ACCOMPANIED BY ENCLOSURES —  
FILED IN FILE